



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

December 4, 2024

Maurice L. Anderson, Director
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
Main Phone: 530 251-8269
 Fax: 530 251-8373
 email: landuse@co.lassen.ca.us
 website: www.co.lassen.ca.us

TO: Lassen County Board of Supervisors
 Agenda Date: December 10, 2024

FROM: Maurice L. Anderson, Director

Zoning and Building
 Inspection Requests
 Phone: 530 257-5263

SUBJECT: Proposed ordinance to regulate camping on County owned public property.

ACTION REQUESTED:

1. Conduct a public hearing; and
2. Find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15307 and 15308 of the CEQA Guidelines; and
3. Introduce the ordinance and read (or waive); and
4. Continue until December 17, 2024, for adoption.

Summary:

Due to concerns associated with the significant increase in camping on public lands, updating the county's camping laws consistent with recent case law is recommended to ensure the safety and well-being of the homeless community and preserve the rights of others to use public areas for their intended purposes. The purpose of this ordinance is to avoid unsafe, unsanitary, and potentially disorderly conditions as well as the degradation or destruction of open spaces and facilities within the county.

The proposed ordinance is intended to be consistent with the Supreme Court Grants Pass, Oregon v. Johnson ruling and subsequent case law. The ordinance would establish that it is unlawful for any person to camp, occupy camp facilities, use camp paraphernalia, or use public utilities on any County owned public property.

Environmental Review:

The Lassen County Environmental Review Officer (the Director of the Planning and Building Services Department) recommends that the Board of Supervisors find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for the Protection of the Environment) of the CEQA Guidelines.

MLA:gfn

Enclosure: Letter of support from the Sheriff
 Proposed Ordinance



LASSEN COUNTY SHERIFF'S OFFICE

1415 Sheriff Cady Lane Susanville, CA 96130

Administration	Dispatch	Civil	Adult Detention Facility
Phone (530) 251-8013 Fax (530) 251-2884	Phone (530) 257-6121 Fax (530) 257-9363	Phone (530) 251-8014 Fax (530) 251-2884	Phone (530) 251-5245 Fax (530) 251-5243

John McGarva
Sheriff - Coroner

November 20, 2024

RECEIVED

NOV 20 2024

Maurice L. Anderson, Director
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

RE: Letter of Support for Public Property Camping Ordinance

Dear Mr. Anderson:

The purpose of this letter is to offer my support for the draft ordinance you have prepared to regulate camping on County owned public property within Lassen County. Camping on County owned property is an issue the Sheriff's Office deals with routinely. Currently, County ordinances regulating this activity are inadequate.

The ordinance would prohibit camping on County owned public property unless approved by the Board of Supervisors, Sheriff, and/or County Administrative Officer. The ordinance authorizes removal of encampments after 72 hours written notice or immediately if the encampment poses an imminent and substantial threat to public health or safety (as determined by the Sheriff upon consultation with the public health officer).

It is the position of the Sheriff's Office that the proposed ordinance will help alleviate camping on County owned public property.

Sincerely,

John McGarva, Lassen County Sheriff

ORDINANCE NO. _____

Ordinance Adding Chapter 9.75 (Unlawful camping on public property and obstruction of public rights of way) to the Lassen County Code.

The following ordinance, consisting of two sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2024, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

Ordinance Number: _____

Page 2 of 5

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN
ORDAINS AS FOLLOWS:**

SECTION ONE: This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Chapter 9.75 is hereby added to the Lassen County Code to read as follows:

Chapter 9.75 Unlawful camping on public property and obstruction of public rights of way

9.75.010 Purpose and Intent

This Chapter is intended to protect public property within the unincorporated area of Lassen County from the destruction, degradation, and littering that may accompany prolonged Camping or Squatting and allow public spaces to be used for their intended purpose. Publically accessible areas under the jurisdiction of the County of Lassen should be readily available and usable for the safe, healthy, and peaceable enjoyment of the public at large. The use of public areas for Camping purposes or storage of personal property interferes with the rights of others to use and access these areas in a safe, healthy and peaceable manner within the purposes for which they are intended. The purpose and intent of this chapter, pursuant to Penal Code section 372, is to establish standards and prohibitions for behaviors related to public Camping, bathing or other offenses that are detrimental to the preservation of public property and the health, safety and welfare of the public accessing Public Property or traversing public rights of way; and to ensure and maintain publically accessible areas in a safe and sanitary manner, and for the peaceable use and enjoyment for the public at large.

9.75.015 Enforcement Officer

The persons authorized by the county of Lassen to enforce this chapter are as follows:

- (a) The Director of Planning and Building Services (which includes designations in existing provisions of Lassen County Code referring to the director of community development), and/or his or her designee; and
- (b) The Sheriff and/or his or her designee; and
- (c) The Director of Health and Social Services and/or his or her designee; and
- (d) The Director of Public Works and/or his or her designee; and

Ordinance Number: _____

Page 3 of 5

- (e) Any other person designated by resolution of the Lassen County Board of Supervisors either by name or classification and either for a particular case or as a function of their respective classification, as specified in the resolution.

Any person authorized to enforce this chapter identified above shall be known for all purposes pursuant to this chapter as the “enforcing officer.”

9.75.020 Definitions

The following terms, used in this Chapter, shall have the assigned meanings:

1. **Camping.** “Camping” is defined as residing in or using any public or private property for one or more nights as living accommodation, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings (including, but not limited to clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using public property as a living accommodation for one or more nights.
2. **Camp Paraphernalia.** “Camp Paraphernalia” shall mean but is not limited to tents, tarpaulins, cots, beds, sleeping bags, hammocks, lawn chairs, cooking or heating facilities and similar equipment. The above and other similar items shall be considered “Camp Paraphernalia” when it reasonably appears, in light of all the circumstances that a person is using said items for one or more nights, with the intent to Camp.
3. **County Owned Public Property.** “County Owned Public Property” shall mean any land owned or maintained by the County, including, but not limited to, streets, easements, parks, dump sites, creek beds, electric utility substations, parking lots, alleys, vacant land, or corporation yards.
4. **Squat.** “Squat” or “Squatting” is defined as unlawfully settling on another's land, whether said land be public or private, without express legal title or authority to do so, or entering upon another's land in bad faith claiming the right to do so without proper written authority to do so being provided to the satisfaction of the Director of the Planning and Building Services Department. Any Camping that may occur on public lands that does not meet the requirements of this Chapter is also considered Squatting. Squatting is strictly prohibited in Lassen County.

Ordinance Number: _____

Page 4 of 5

9.75.025 Camping on Public Property

- (a) Camping or Squatting on County Owned or operated Public Property not specifically designated for day/or overnight campgrounds is prohibited in the County, except under the following circumstances:
 - 1. Except as may be permitted within parks or other County owned property as determined by the Board of Supervisors, upon recommendation and findings of appropriate conditions from the Director of the Planning and Building Services Department and/or the Director of the Public Works Department; or
 - 2. Except as approved by the Sheriff and/or the County Administrative Officer.
- (b) No individual shall obstruct a street, sidewalk, alleyway, trail, county highway (as defined in sections 25, 960.5 and 1480 of the California Streets and Highway Code, or as amended), entrance to public facilities, or other public right of way (as defined by the Americans with Disabilities Act of 1990, or as amended) by sitting, lying or sleeping, or using or storing personal property in, or upon any public road or other public right of way.
- (c) In addition to any other remedy provided by law, any person found in violation of this chapter may be immediately removed from the premises by enforcement officers and peace officers.
- (d) Nothing in this ordinance shall prohibit the possession or transportation of Camping facilities or materials on public property, unless otherwise in violation of County Code.

9.75.035 Abatement of Encampments and Camp Facilities and Materials

- (a) Notwithstanding Section 9.75.025(c), the County may abate or remove camp facilities and materials, or an encampment established in violation of this chapter after providing written notice 72 hours before such abatement. Any camp facilities and materials, or encampments established in violation of this chapter may be subject to abatement without advance written notice by the County, if the encampment poses an imminent and substantial threat to public health or safety, as determined by the Sheriff and upon consultation with the public health officer.
- (b) Abatement pursuant to this section may include, but is not limited to, removal of camp facilities and materials, trash, debris, junk, hazardous waste, infectious waste, and vehicles. Any personal property identified and left behind shall be stored and subject to retrieval pursuant to policies and procedures developed by the Sheriff

Ordinance Number: _____

Page 5 of 5

9.75.040 Violations

Violations of this Chapter are also a violation of Section 370 of the Penal Code. Any such violation of this Chapter may be charged as a misdemeanor, punishable by confinement of up to six months in jail and/or fines up to \$500 per violation.

Any individual charged with violation of this chapter, in lieu of being taken to jail may, at the election of the citing peace officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

9.75.045 Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.